

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6410 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SANJAYKUMAR G. PATEL

Versus

SUPERINTENDENT

Appearance:

MR SK BUKHARI for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 21/08/98

ORAL JUDGEMENT

Rule. Service of rule waived by Ms. Promila Safaya, Ld. Addl. Standing Counsel for the respondents.

2. Heard. It is clear that the mistake was committed by the petitioner himself on account of the manner in which numerical 8 has been described in the birth certificate issued by the concerned authority of the

Public Health Department of the Government of Gujarat working at Sonasan, Taluka Prantij. I have verified the xerox copy of the birth certificate which was produced before the passport authority and that clearly indicates the description of the numerical "8" in the year of birth date. That is how the mistake appears to have been committed by all concerned in describing the year 1979 instead of correct year 1978. Thus, it clearly appears that the birth date of the petitioner is 18/11/1978 and not 18/11/1979. It is for this rectification that the petitioner has approached this Court. Under such circumstances, following direction is issued :-

3. The respondent is directed to consider issuance of fresh passport to the petitioner on the basis of the correct birth date as aforesaid and the respondent will take decision accordingly within a period of one week from the date on which the petitioner makes a fresh application on the basis of this order.

Since it is on account of the fault on the part of the petitioner that rectification is necessitated as aforesaid, the petitioner shall pay/deposit cost quantified at Rs. 3,000/- in the Passport Office itself alongwith the application.

Rule made absolute in the aforesaid terms. DSP.

* * *

PVR sca 641098j